

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**MARIA OROZCO AND  
JOSE OROZCO,**

**Plaintiffs,**

**v.**

**STATE FARM FIRE AND  
CASUALTY COMPANY,**

**Defendant.**

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No. \_\_\_\_\_

**JURY DEMAND**

**DEFENDANT'S NOTICE OF REMOVAL**

TO THE HONORABLE COURT:

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant State Farm Fire and Casualty Company ("State Farm") files this Notice of Removal to the United States District Court for the Northern District of Texas, Dallas Division, on the basis of diversity of citizenship and amount in controversy and respectfully show:

**I.**

**FACTUAL AND PROCEDURAL BACKGROUND**

1. On April 14, 2015, Plaintiffs Maria Orozco and Jose Orozco filed their Original Petition in the matter styled *Maria Orozco and Jose Orozco v. State Farm Fire and Casualty Company*, Cause No. DC-15-04242, in the 44th Judicial District Court of Dallas County, Texas. The lawsuit arises out of a claim Plaintiffs made for damages to their property under insurance policy no. 43-QN-7775-9, issued by State Farm Lloyds, effective May 27, 2013 through May 27, 2014.

2. Plaintiffs served State Farm with a copy of the Original Petition on or about April 23, 2015.

3. Defendant State Farm files this Notice of Removal within 30 days of receiving Plaintiffs' pleading. *See* 28 U.S.C. §1446(b). In addition, this Notice of Removal is being filed within one year of the commencement of this action. *See id.*

4. All pleadings, process, orders, and other filings in the state court action are attached to this Notice as required by 28 U.S.C. §1446(a). A copy of this Notice is also concurrently being filed with the state court and served upon the Plaintiffs. As required by 28 U.S.C. § 1446(a), and Rule 81.1 of the Local Rules for the United States District Court of the Northern District of Texas, being filed simultaneously with the filing of this Notice of Removal is an Index of State Court Documents, which is attached hereto as Exhibit "A." A copy of the Case Summary sheet is attached hereto as Exhibit "B." A copy of Plaintiffs' Original Petition is attached hereto as Exhibit "C." A copy of the Citation to State Farm Fire and Casualty Company is attached hereto as Exhibit "D." Also included with this filing are Defendant's Certificate of Interested Persons, which is attached hereto as Exhibit "E," and a Supplemental Civil Cover Sheet.

5. Venue is proper in this Court under 28 U.S.C. §1441(a) because this district and division embrace Dallas County, Texas, the place where the removed action has been pending and where the incident giving rise to this lawsuit took place.

## **II.**

### **BASIS FOR REMOVAL**

6. Removal is proper based on diversity of citizenship under 28 U.S.C. §§1332(a), 1441(a) and 1446.

**A. The Proper Parties Are Of Diverse Citizenship**

7. Plaintiffs are, and were at the time the lawsuit was filed, residents of Dallas County, Texas, and citizens of the State of Texas. *See* Pls' Original Pet. § II.1, attached hereto as Exhibit "C."

8. State Farm was at the time this action was commenced, and still is, a citizen of the State of Illinois. State Farm is a corporation organized under the laws of the State of Illinois and maintains its principal place of business in McLean County, Illinois. Therefore, complete diversity of citizenship exists between Plaintiffs and State Farm.

9. Because Plaintiffs are citizens of Texas and Defendant State Farm is a citizen of Illinois, complete diversity of citizenship exists among the proper parties.

**B. The Amount in Controversy Exceeds \$75,000.00**

10. This is a civil action in which the amount in controversy exceeds \$75,000.00. In their complaint, Plaintiffs allege a variety of claims arising from "a claim to Defendant against the Policy for roof and other damage and resulting water damage the Property sustained as a result of a wind and hail storm." *See* Pls' Original Pet. § V.5, attached hereto as Exhibit "C." Specifically, but without limitation, Plaintiffs allege that Defendant State Farm breached the insurance policy number 43-QN-7775-9, with a Dwelling Limit of \$175,600.00, a Dwelling Extension Limit up to \$17,560.00, and a Personal Property Limit of \$137,700.00, for the property located at 4503 Ginger Ave., Dallas, Texas 75211-4534 (the property giving rise to the present dispute). *See* Exhibit "F," Declaration of Scott L. Rogers, attached hereto and fully incorporated herein as if set out in full. In determining the amount in controversy, the Court may consider "policy limits ... penalties, statutory damages, and punitive damages." *St. Paul Reinsurance Co., Ltd. v. Greenberg*, 134 F.3d 1250, 1253 (5th Cir. 1998).

11. Based on the limits of the underlying insurance policy and the allegations set forth in Plaintiffs' Original Petition, the amount in controversy in this case exceeds the \$75,000.00 jurisdictional requirement

**Conclusion and Prayer**

All requirements are met for removal under 28 U.S.C. §§ 1332, 1441, and 1446. Accordingly, State Farm Fire and Casualty Company hereby removes this case to this Court for trial and determination.

Respectfully submitted,

/s/ Rhonda J. Thompson

Rhonda J. Thompson

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Scott L. Rogers

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**COUNSEL FOR DEFENDANT  
STATE FARM FIRE AND CASUALTY  
COMPANY**

**CERTIFICATE OF SERVICE**

This is to certify that on the 14th day of May, 2015, a true and correct copy of the foregoing was delivered to the following counsel of record by electronic service and/or facsimile transmission and/or certified mail, return receipt requested:

Marcos P. Martinez  
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/s/ Rhonda J. Thompson  
Rhonda J. Thompson